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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-205586

**DATE:** December 28, 1981

**MATTER OF:** Alternative House, Inc.

**DIGEST:**

Where it is clear that protester filed protest with GAO more than ten working days after notice of initial adverse agency action, protest is dismissed as untimely.

Alternative House, Inc. protests the award of a contract to Volunteers of America under request for proposals No. 276-018-1, issued by the Federal Bureau of Prisons for the operation of a residential community treatment facility in Dallas, Texas. The protester claims that the Bureau's award of the contract was inconsistent with the "Contract Residential Evaluation Criteria" contained in the solicitation. We dismiss the protest as untimely.

Correspondence attached to the protest indicates that the protester's proposal was determined not to be within a competitive range and negotiations were not conducted with that firm. Alternative House then protested to the contracting officer on the basis that its proposal should have been ranked higher than the awardee's when scored under the criteria set forth in the solicitation. By letter dated October 29, 1981, the contracting officer responded to the protest, informing Alternative House that although in retrospect discussions should have been held with the firm, the Volunteers of America in all probability still would have been awarded the contract because it had a technical and cost advantage so superior that it was unlikely to be overcome. The contracting officer then informed Alternative House of its right to appeal the agency's decision to our Office pursuant to our Bid Protest Procedures, a copy of which was enclosed with the contracting officer's response.

Alternative House filed its protest with our Office on November 23, 1981. Our procedures require that if a protest has been filed initially with the contracting agency, any subsequent protest to our Office must be filed within ten working days after notification of initial adverse agency action. 4 C.F.R. § 21.2(b)(2) (1981). Since Alternative House did not file its protest with our Office within that time period, its protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel